

4 October 1985

OLL 85-2982

MEMORANDUM FOR: DDA
D/OLL

FROM:



STAT

SUBJECT: Stevens Retirement Bill

1. Attached hereto is the Stevens Supplemental Retirement Bill as the Government Affairs Committee voted it out on 2 October. Also attached is a comparison chart depicting the differences between the current Civil Service system and the Stevens proposal, and the substantive changes that Stevens agreed to in order to get support from Senate Democrats.

2. Still more changes will be made before the Stevens Bill hits the Senate floor. The Senator cut a deal with the Administration: his Bill will not exceed 21.9 percent of payroll. While cost figures will not be available until 7 October, the Government Accounting Office has told Stevens that it is nearly certain that his Bill costs the Government too much. The Senator stated today that he will not change the COLA or the Thrift Plan. He told his Staff that he will cut cost in either the survivor benefits, the disability benefits, or in the rate of accrual. He will let the Staff know his decision by 8 October.

3. As of today, Stevens has given up on his idea of attaching his Bill to the 1986 Senate Budget Reconciliation Bill. He will look for another vehicle to attach it to; one possible Bill is HR 3384. This measure, which deals with Federal Health Benefits, passed the House 30 September and is endorsed by Senator Stevens. I expect that the Senator will introduce his Bill as a separate measure and get quick passage in the Senate. I also expect the House Civil Service Committee to call quick hearings, and to vote out a plan with enhanced benefits. The House Committee has a legislative package under wraps; Congressman Bill Ford, Chairman of the Committee, is leaning toward dealing with the Stevens Bill rather than introducing his own version.

4. The Houses will meet in conference and negotiate a final Supplemental Retirement plan. As I earlier predicted, this can happen before Congress adjourns in mid-November, but it will be difficult. Both Stevens and Ford are pushing for passage

before adjournment, but the Congressional Calendar is packed, and House Democrats think that the benefits provided for in the Stevens plan are inadequate. The willingness of the House / Senate conferees to compromise will determine whether a supplemental retirement law is enacted by December 1985 or early next year. If the December 1985 deadline is not met, Congress will either extend the temporary stop gap, or post-31 December 1984 employees will pay about 14.5 percent of salary into the Social Security / Civil Service systems and be reimbursed.

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OLL Subject

S. 1527 (October 1, 1985 substitute)

Senate retirement proposal
for new federal employees
and comparison with current
Civil Service Retirement System

BASIC ANNUITY PLAN

	Current CSRS	S. 1527 (October 1, 1985 substitute)
Eligibility	Federal employees who are not covered by social security.	Federal employees who are covered by social security.
Required employee contributions	7% of total pay.	None, except for social security.
Vesting of retirement benefits	5 years service, provided employee does not withdraw his own contributions.	5 years service.
Salary base	Average of high-3 yrs salary.	Average of high-5 yrs salary.
Retirement benefit formula (accrual rate)	1.5% x first 5 yrs. service, 1.75% x next 5 yrs. service, 2.0% x yrs. of svc. over 10; all times salary base.	0.9% x first 15 yrs. service, 1.1% x yrs. of service over 15, all times salary base.
Eligibility for retirement		
1. Unreduced	Age 55 & 30 years service, Age 60 & 20 years service, Age 62 & 5 years service.	Age 62 & 5 years service.
2. Reduced	No provisions.	Age 55 & 10 years service.
3. Involuntary	Age 50 & 20 yrs. service. Any age & 25 yrs. service.	Age 50 & 20 yrs. service. Any age & 25 yrs. service.
4. Deferred vested	At least 5 yrs. service, and does not withdraw employee contributions.	At least 5 yrs. service when employment terminates.
Amount of retirement benefits		
1. Unreduced	Based on accrual rate, without reduction.	Based on accrual rate, without reduction.
2. Reduced	No provisions.	(A) Age 55 & 30 yrs. service, benefit reduced 2% for each year under age 62. (B) Age 55 & 10 yrs. service, benefit reduced 5% for each year under age 62.
3. Involuntary	Reduced 2% for each year under age 55.	Reduced 2% for each year under age 62.
4. Deferred vested	Accrued benefit payable at age 62.	Full accrued benefit payable at age 62. Reduced benefit can be elected when former employee attains age 55 with the service needed for early retirement (10 years or 30 years), with reductions at 5% or 2% per year under 62.
Refunds	Option to withdraw at separation sums contributed with benefits forfeited.	No contributions, thus no refund.
Cost-of-living adjustments (COLAs)	Annually, 100% of rate of inflation as measured by increase in Consumer Price Index (CPI).	Before age 62: None. Ages 62-66: CPI rate minus 2 percentage points. Ages 67 & over: Full CPI rate.
Optional forms of benefits		
	Joint- & survivor annuity. Survivor annuity is 55% of the employee's unreduced annuity. If spouse dies first, annuity to employee is restored to unreduced amount. Subsidized (less than full actuarial reduction).	1. Joint- & survivor annuity, with 10% reduction while both employee & spouse are alive and remain married. Surviving spouse gets 50% of annuity payable to employ- ee before this reduction. 2. Social security leveling option, based on actuarial equivalent. Benefits are higher at ages 55-61, lower age 62 & after.

THRIFT SAVINGS PLAN

page 2

Current CSRS		S. 1527 (October 1, 1985 substitute)																																						
Contributions (excluded from gross income to the extent permitted for Section 401(k) plans):																																								
1. Paid by employee and matched by employer	N/A	Up to 5% of pay, with employer matching at \$1 for each \$1.																																						
2. Additional voluntary employee contributions, not matched by employer	N/A	Up to 5% of pay. Also, unused amounts may be carried forward, and contributed later up to 5% of pay in any year, outside the usual limit on employee contributions of 10% of pay.																																						
Vesting	N/A	Employee is immediately vested for own contributions, employer contributions vested at 20% after 1 year of service, increasing to 100% after 5th year, with any investment gains/losses.																																						
Investments																																								
1. Employee may elect investment of own account in:	N/A	<p>Fund A--Government securities.</p> <p>Fund B--Fixed-income securities, using insurance company Guaranteed Investment Contracts (GICs) or other private-sector assets.</p> <p>Fund C--Equities, using an index fund (invested in proportion to a diversified common stock portfolio such as Standard & Poor's 500 Stock Index).</p>																																						
2. Phase-in of private-sector investment option after thrift plan contributions begin:		<table> <tr> <th rowspan="2">Contributions in cal. year</th><th colspan="2">Required to be in gov't securities</th></tr> <tr> <th>Employee</th><th>Employer</th></tr> <tr><td>1986</td><td>N/A</td><td>N/A</td></tr> <tr><td>1987</td><td>100%</td><td>100%</td></tr> <tr><td>1988</td><td>80</td><td>100</td></tr> <tr><td>1989</td><td>60</td><td>100</td></tr> <tr><td>1990</td><td>40</td><td>100</td></tr> <tr><td>1991</td><td>20</td><td>100</td></tr> <tr><td>1992</td><td>0</td><td>100</td></tr> <tr><td>1993</td><td>0</td><td>80</td></tr> <tr><td>1994</td><td>0</td><td>60</td></tr> <tr><td>1995</td><td>0</td><td>40</td></tr> <tr><td>1996</td><td>0</td><td>20</td></tr> </table>	Contributions in cal. year	Required to be in gov't securities		Employee	Employer	1986	N/A	N/A	1987	100%	100%	1988	80	100	1989	60	100	1990	40	100	1991	20	100	1992	0	100	1993	0	80	1994	0	60	1995	0	40	1996	0	20
Contributions in cal. year	Required to be in gov't securities																																							
	Employee	Employer																																						
1986	N/A	N/A																																						
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1991	20	100																																						
1992	0	100																																						
1993	0	80																																						
1994	0	60																																						
1995	0	40																																						
1996	0	20																																						
Payout of employee retirement accounts	N/A	<p>Employee may elect payout of vested account balance:</p> <ol style="list-style-type: none"> As annuity. In cash (at retirement age or death). As rollover to IRA (at termination of employment or death). <p>Active employees may not withdraw funds.</p> <p>Program of hardship loans to employees is to be established by January 1, 1988.</p>																																						

SURVIVOR BENEFITS

page 3

	Current CSRS	S. 1527 (October 1, 1985 substitute)
Preretirement death benefit, spouse or former spouse.	At death of active employee with 18 months service, surviving spouse gets 55% of: (A) annuity earned at death, or, if larger, the lesser of (B) or (C). (B) 40% of salary base, or (C) annuity earned with service projected to age 60 at same salary base. Group life insurance benefits also are payable, if employee elects to contribute part of cost.	At death of married employee with service of at least 18 months, surviving spouse gets annuity equal to 50% of employee's annuity earned for service to date, without any reduction, and with service deemed to be at least 10 years in computing this annuity. Annuity payments stop when surviving spouse remarries before age 55 or dies. This benefit is payable in addition to any social security, group life insurance or thrift plan death benefits.
Preretirement death benefit, children	Unrelated to annuity; annually adjusted dollar amount varied by number of children, and whether or not orphaned.	None from plan; benefits provided by social security.
Optional post-retirement death benefit, spouse or former spouse	55% of earned retirement annuity unless choice jointly rejected; option results in 2.5% reduction to first \$3,600 of annuity and 10% reduction to annuity over \$3,600.	Annuity to married retiree is automatically reduced 10 percent as in a 50% joint-and-survivor option to provide spouse a survivor annuity. (Automatic unless choice is jointly rejected.)
Children	Same as for pre-retirement death benefit.	None from plan; benefits provided from social security.
Special provisions for surviving former spouses, or new spouses due to marriage after retirement.	Benefits are the same as for surviving spouses, subject to elections and deposits in certain cases.	Benefits are the same as for surviving spouses, subject to elections and deposits in certain cases.
Basic Federal Employee Group Life Insurance (FEGLI) for active employees who contribute at current rates	Amount equal to 2x annual pay up to age 35, grading down to 1x pay at ages 45 & over (rounded to next higher \$1,000 multiple, plus \$2,000, disregarding salary above Executive Level II, with additional payment at accidental death or dismemberment). At age 65, or retirement if later, reduced at 2% per month until amount reaches 25 percent of pre-65 amount, unless employee elects to pay full cost of extra protection. Newly hired employees pay level contribution that covers 2/3rds of lifetime cost.	Active employees who contribute for basic FEGLI get supplemental death benefit at government expense, payable to employee's named beneficiary. Amount is 2x annual pay minus basic FEGLI amount.

DISABILITY BENEFITS

page 4

	Current CSRS	S. 1527 (October 1, 1985 substitute)
Administration and eligibility	Provided from CSRS, if employee has 5 years of service for eligibility. Customarily paid after sick leave is used up.	Provided under separate Long-Term Disability (LTD) plan with third-party administrator. Disability benefits are paid first from unused sick leave, then after no further waiting period from LTD plan, if employee has 18 months of service for LTD eligibility.
Definition of disability	Unable to do any job for which the employee is qualified in the same agency at the same grade level.	Employee must meet one of two definitions of disability-- 1. Social Security definition: Unable to work in substantial gainful activity. 2. Occupational definition: Unable to do any job for which the employee is qualified in the same agency and commuting area, at the same grade level. During disability, total income from work may not exceed 60% of pay level for former job, and employee may be given physical exams.
Disability benefit amounts	Annuity earned at onset, or if greater, the lesser of: (a) 40% of salary base, or (b) annuity based on service projected to age 60 at the same salary base.	60 percent of high-5, offset after 5-month waiting period by 100% of social security primary benefit, if any, payable to age 62. If employee meets only the occupational definition of disability, benefits are reduced one year after they begin to 40 percent of high-5, payable to age 55.
Cost-of-living adjustments (COLAs) during disability		Net benefit after offset increases at rate of increase in CPI, minus 2 percentage points.
Retirement benefits after disability	Disability annuity continues for life if no recovery before normal retirement age.	During LTD benefit period, employee's service continues to be credited toward basic annuity formula, high-5 for purposes of that formula goes up at rate of increase in CPI minus 2 percentage points, and employee may participate in thrift plan. After long-term disability benefit period ends, employee is eligible for retirement benefits based on age and service at that time.

MISCELLANEOUS PROVISIONS

page 5

	Current CSRS	S. 1527 (October 1, 1985 substitute)
Retirement ages for special groups: law enforcement officers, firefighters, air traffic controllers, etc.	<p>Law enforcement officers and firefighters may retire at age 50 & 20 years service. Benefit is 2.5% of high-3 times first 20 years of service, plus 2% times service beyond 20 years.</p> <p>Air traffic controllers may retire after 25 years, or at age 50 & 20 years, with unreduced benefits under the regular formula, but not less than 50% of high-3.</p> <p>Other groups have special contributions, benefits.</p>	<p>Law enforcement officers, firefighters and air traffic controllers may retire at age 50 with 20 years of service, or at any age with 25 years of service, and get an unreduced annuity and a supplement payable to age 62 equal to social security.</p> <p>National guard technicians may retire at age 55 with 30 years of service and get an unreduced annuity. No supplement is payable.</p> <p>Other groups get the regular benefits of the plan.</p>
Treatment of non-federal employees as federal employees for purposes of retirement	Certain groups are included.	Newly hired employees of the D.C. government are excluded from this program. Other non-federal employees retain current coverage.
Transfers of current employees to new program	N/A	<p>Current employees may elect to join social security and new program through Dec. 31, 1987.</p> <p>Credit in current program stops, except that the high-3 pay continues to run. Employee retains survivor coverage from current plan, but not disability coverage. All service counts toward both programs' eligibility for retirement and vesting.</p> <p>Employee is given credit for prior federal service toward eligibility for long-term disability coverage. The social security windfall-benefit reduction and public-pension spouse offset are waived for persons with 5 or more years of service under the new plan.</p>
Effective date and transition from interim plan		<p>Effective date is Jan. 1, 1987.</p> <p>Participants who contributed toward interim plan after 1983 receive credit toward thrift plan for these contributions and matching employer contributions plus interest.</p>

Newly-covered employees may elect either of the following Options--

Option A: This includes all the regular provisions. See pages 1-5.

Option B: The employee agrees to pay a higher contribution to get the special provisions outlined below. (Both Options are shown here for comparison.)

S. 1527 (October 1, 1985 substitute)														
	Option A	Option B												
Eligibility	Federal employees covered by social security who do not elect Option B when they are first covered by the new plan.	Federal employees covered by social security who elect Option B when they are first covered by the new plan.												
Required employee contributions	None, except for social security.	"Level employee contributions", equal to difference between the employee contributions currently scheduled by law for CSRS and for social security, namely: <table> <tr> <th>Calendar year</th><th>Up to S.S. wage base</th><th>Over S.S. wage base</th></tr> <tr> <td>1987</td><td>1.3 %</td><td>7.0%</td></tr> <tr> <td>1988-89</td><td>0.94%</td><td>7.0%</td></tr> <tr> <td>1990 & after</td><td>0.8 %</td><td>7.0%</td></tr> </table> Social security wage base is \$39,600 in 1985, increasing in future years with the index of national average wages.	Calendar year	Up to S.S. wage base	Over S.S. wage base	1987	1.3 %	7.0%	1988-89	0.94%	7.0%	1990 & after	0.8 %	7.0%
Calendar year	Up to S.S. wage base	Over S.S. wage base												
1987	1.3 %	7.0%												
1988-89	0.94%	7.0%												
1990 & after	0.8 %	7.0%												
Retirement benefit formula (accrual rate)	0.9% x first 15 yrs. service, 1.1% x yrs. of svc. over 15, all times salary base. (These percentages may change slightly, based on CRS cost estimate for Options A and B.)	0.9% x first 15 yrs. service, 1.1% x yrs. of svc. over 15, all times salary base. (These percentages may change slightly, based on CRS cost estimate for Options A and B.)												
Eligibility for unreduced retirement	Age 62 & 5 years service.	Age 55 & 30 years service, Age 62 & 5 years service.												
Amount of reduced retirement benefits	(A) Age 55 & 30 yrs. service, benefit reduced 2% for each year under age 62. (B) Age 55 & 10 yrs. service, benefit reduced 5% for each year under age 62.	Age 55 & 10 yrs. service, benefit reduced 5% for each year under age 62.												
Amount of deferred vested benefits	Full accrued benefit payable at age 62. Reduced benefit can be elected when former employee attains age 55 with the service needed for early retirement (10 years or 30 years), with reductions at 5% or 2% per year under 62.	Full accrued benefit payable when employee attains both age and service needed for unreduced retirement. Reduced benefit can be elected when former employee attains age 55 with 10 years service, reduced 5% per year under 62.												
Refunds	No contributions, thus no refund.	Employees who leave may withdraw their contributions. If they have at least the 5 years service needed for vesting, they also get a deferred annuity based on the excess, if any, of the value of their vested annuity minus their own contributions.												
Contributions to thrift-savings plan (excluded from gross income to the extent permitted for Section 401(k) plans):														
1. Paid by employee and matched by employer	Up to 5% of pay, with employer matching at \$1 for each \$1.	Up to 6% of pay, with employer matching as follows: First 1% matched at \$1 per \$1. Next 2% matched at \$.50 per \$1. Over 3% matched at \$.25 per \$1.												
2. Additional voluntary employee contributions, not matched by employer	Up to 5% of pay. Also, unused amounts may be carried forward, and contributed later up to 5% of pay in any year, outside the usual limit on employee contributions of 10% of pay.	Up to 4% of pay. Also, unused amounts may be carried forward, and contributed later up to 5% of pay in any year, outside the usual limit on employee contributions of 10% of pay.												
Cost-of-living adjustments (for retirement, survivor & disability benefits)	1) Retired, up to age 62: None. 2) Retired, ages 62-66, or disability & survivor cases up to age 67: CPI rate minus 2 percentage points. 3) Age 67 & up: Full CPI rate.	1) Retired, up to age 62: CPI rate minus 2 percentage points. 2) Retired, age 62 & up, or survivor & disability cases at any age: Full CPI rate.												

S. 1527
Substantive Changes

Early retirement features for special classes (law enforcement officers, firefighters, and air traffic controllers), similar to those in current law, have been added to the bill.

Employees will have an option to select from two retirement plan options, as detailed below. Survivor and disability benefits have been improved for both plans.

Plan A and Plan B

- o Improved survivor benefits for preretirement death
 - Eligible after 18 months of service (instead of five years).
 - Benefit payable immediately (instead of date eligible to retire).
 - No reductions for early retirement or election of a survivor annuity.
 - Survivor benefits are 50% of accrued annuity with no reductions or, if greater, minimum benefit equal to that provided for 10 years of service.
- o Improved survivor benefit for postretirement death
 - Reduction of 10% to pay for election (instead of 12%).
 - Benefit is 50% of annuity prior to reduction for election of a survivor annuity.
- o Improved disability benefit
 - Net benefit after initial offset for Social Security is increased based on the COLA formula of the plan without further regard to the offset.
- o Improved FEGLI for employees who elect coverage
 - Benefit equal to two times pay for all workers.
 - At death of worker, survivor may elect regular payments for two years or a lump sum benefit.

Plan A only

- o Accrual rate: 0.9, first 15 years, 1.1 thereafter
- o COLA changed from CPI-2 at all ages to: no COLA prior to age 62, CPI-2 from 62 through 66, and full CPI at age 67 and over.

Plan B only

- o Accrual rate: 0.9, first 10 years, 1.1 thereafter
- o Thrift match changed from 50% of pay up to 6 percent (\$3) to: \$1 for \$1 to 1% + \$.50 to 3% + \$.25 to 6% (\$2.75).
- o COLA changed from CPI-2 at all ages to: CPI-2 to 62 and full CPI at age 62 and over.
- o Level employee contribution of 7 percent of pay minus the retirement portion of the Social Security tax, instead of a flat 1.3 percent.

S. 1527
Technical Changes

The bill has been retitled as the "Federal Retirement Reform Act of 1985"

Subchapter I - Definitions

Definition of "employee" clarified with regard to status of Members, noncareer SES, and political appointees on the rolls as of December 31, 1983 and subject to both Social Security and Civil Service Retirement.

Firefighter and law enforcement officer definitions amended to include employees who move to administrative or managerial jobs after 10 years in the occupation.

Definition of "normal cost" is modified to state that it will be used to value the cost of the System for all purposes.

Service definition amended to treat leave without pay the same as in current law.

Subchapter II - Basic plan

Wording added to preclude recipients of workers' compensation benefits from receiving a concurrent retirement benefit under this plan. They can, however, receive money from the Thrift Fund.

Requirement for mandatory retirement of special classes restored to parallel current law.

Annuity supplement for the special classes will start at retirement (rather than age 55).

Normal cost charged to an agency will exclude the amount computed for military service. An agency which disagrees with the cost may ask for a review by the Board of Actuaries.

The DoD budget, rather than the DoD Military Retirement Fund, will be assessed for the normal cost relating to creditable military service of plan participants.

Employees who elect option B will be allowed to receive a refund of their contributions, plus interest, when they separate without forfeiting entitlement to a retirement benefit from the basic plan.

Subchapter III - Thrift plan

The participant must elect Plan A or Plan B before contributions can be made to the Thrift Savings Fund.

The Thrift Savings Fund loan program established by the Board will be subject to the same conditions prescribed in ERISA.

A "catch up" feature allowing carryover of unused contributions in any year, up to a maximum of 5%, has been added.

Tax treatment language has been clarified to insure equal treatment of federal and private employees under possible modifications to tax laws.

Disability benefits recipients may elect to withdraw their thrift account balance within one year of the disability determination.

The annuity option for a former employee who did not vest in the basic plan has been deleted (withdrawals and rollovers are still permitted).

Description of the balance in the Thrift Savings Fund has been clarified by adding payouts to the list.

The Common Stock Index Investment Fund description has been broadened to recognize stocks sold over-the-counter and to permit sampling in the establishment of an index.

The description of the Treasury special issues used in the Government Securities Fund has been modified to make it similar to the description used for special issues of the Civil Service Retirement and Disability Fund.

Subchapter IV - Survivor benefits

The right of an individual with an insurable interest has been clarified to show that he or she has the same payment options as a surviving spouse for money payable from the thrift fund.

Wording on effective dates for benefit termination has been clarified.

The opportunity to elect a survivor annuity for a former spouse or a current spouse based on death or remarriage of an earlier designee has been clarified.

Subchapter V - Disability benefits

A provision to adjust benefits for recipients whose conditions of entitlement change (i.e., from occupationally disabled to totally disabled or vice versa) has been added.

The section on administrative provisions has been modified to clarify OPM's role in connection with the party or parties administering the LTD benefit. Clarifications on the management of the disability fund have also been made.

Subchapter VI - General and administrative provisions

The general authority for OPM to contract for performance of administrative services has been deleted.

Reemployed annuitants who work on a part-time basis are allowed to elect to have their annuity continue and to receive the pay for the position, not to exceed the annual pay a full time employee in the position would receive.

A new section has been added to require OPM to provide participants with information sufficient to understand the rights, benefits, and options available under the plan.

Subchapter VII - Transition provisions

A requirement has been added that employees under CSRS who join the new plan must complete 5 years under it before they are exempt from the windfall benefits and public pension offset provisions of Social Security.

Individuals with service credit under CSRS who are covered by this plan may have the service under CSRS credited in determining how the accrual rate formula of Plan A and Plan B applies to them.

Subchapter VIII - Civil Service Thrift Investment Management System

Regulatory responsibility has been shifted from the Board to the Executive Director.

The Board members are no longer listed as fiduciaries but are required to discharge their responsibilities solely in the interest of participants and beneficiaries.

As part of the requirement of the Board to remove the Executive Director, the Comptroller General must investigate and recommend action.

A new section has been added creating an Employee Advisory Committee. Participants in the Thrift Savings Fund will elect 5 members for two year terms to advise the Board and Executive Director on investment policies and exclusions from the Index Fund and to exercise shareholder rights with respect to the Index Fund.

The fiduciary responsibility section has been modified to incorporate more specifically the provisions applicable to private plan fiduciaries under ERISA and to clarify the restrictions on self-dealing.

Department of Labor is authorized to prescribe regulations for administering the fiduciary standards applicable to the Thrift Investment Management System and to determine class exemptions from such standards.

Department of Labor is required to establish a system, in consultation with GAO, for the conduct of a compliance audit regarding overall management of the Thrift Savings Fund.

New sections have been added on bonding and insurance.

Title III - Miscellaneous and Conforming Amendments

The section which provides free life insurance to plan participants has been deleted.

A section permitting access to wage records of disability benefits recipients has been added.

Title IV - Authorization and Effective Dates

A section authorizing a \$1 million appropriation for OPm to carry out the plan's information program has been added.